

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HANNA BOCKER, SARAH BOCKER and)	
BARBARA BOCKER as Administrator of)	
the Estate of GERARD BOCKER and)	C.A. No.:21-cv-01174- MN
BARBARA BOCKER, Individually)	
)	
Plaintiff,)	
)	
v.)	
)	
HARTZELL ENGINE TECHNOLOGIES,)	
CONTINENTAL AEROSPACE)	
TECHNOLOGIES, INC. f/k/a)	
CONTINENTAL MOTORS, INC.)	
)	
Defendants.)	
)	

**CONTINENTAL AEROSPACE TECHNOLOGIES, INC. f/k/a CONTINENTAL
MOTORS, INC. RULE 12 (b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY BE GRANTED AND/OR
FOR A STAY OF PROCEEDINGS**

Continental Aerospace Technologies, Inc. f/k/a Continental Motors, Inc. (“Continental”) hereby moves the Court to dismiss Plaintiffs’ Amended Complaint and/or to stay this litigation pending a decision from the Supreme Court of New York, Dutchess County on Continental’s Motion to Dismiss for Lack of Personal Jurisdiction in the duplicative action filed by Plaintiffs against Continental there.

The Plaintiffs’ Amended Complaint fails to allege facts sufficient to identify a specific product manufactured by Continental and/or a breach of duty owed by Continental that proximately caused the Plaintiffs’ injuries. *See* D.I. 9. Likewise, the Amended Complaint contains causes of action and individual claims not recognized under Delaware law. For these reasons alone, Plaintiffs’ claims against Continental should be dismissed.

Moreover, before filing suit in this Court, the same Bocker Plaintiffs filed suit in New York state court in connection with the same aircraft accident wherein they alleged the same claims and seek the same redress against Continental. *See* Exh. A to Brief filed simultaneously herewith. This Court has the power to dismiss Plaintiffs Amended Complaint and/or to stay this litigation, under the doctrine of abstention and pursuant to its inherent authority, until the claims against Continental in the New York state court case have been resolved.

Continental relies upon and incorporates by reference the Brief in Support of this Motion filed simultaneously herewith.

Respectfully submitted,

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Dated: December 28, 2021